

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald Kazmierczak, Regional Director

Oshkosh Service Center
625 East County Road Y, STE 700
Oshkosh, Wisconsin 54901-9731
TELEPHONE 920-424-3050
FAX 920-424-4404

July 22, 1999

MR MATT SECORA
CAL-WIS PARTNERSHIP
2186 DEER POINT LAND
DEPERE WI 54115

SUBJECT: Conditional Closure for Hardee's Restaurant, 614 W. Northland Ave.,
TN Grand Chute, WDNR LUST CASE #: 03-45-177344

Dear Mr. Secora:

On July 16, 1999, the above-named site was reviewed by members of the Northeastern Regional Close Out Committee to determine whether or not the case qualified for close out under ch. NR 726, Wisconsin Administrative Code.

Based on the investigative documentation provided to the Department, it appears that the petroleum contamination at the above-named site is in compliance with the requirements of chs. NR 700 to NR 724, Wis. Admin. Code. Therefore, the Department considers this case closed on the conditions that the four monitoring wells at the site be properly abandoned according to ch. NR 141, Wis. Admin. Code, and a groundwater use restriction be filed with the Outagamie County Register of Deeds Office in Appleton, Wisconsin for the benzene concentration of 10 parts per billion at monitoring well three (MW-3).

There are several steps necessary to complete the filing of a groundwater use restriction:

1. Obtain an official copy of the deed for the above-named site from the Outagamie County Register of Deeds Office.
2. Submit an official copy of the deed to the Department. Once the current deed is received by the Department, a groundwater use restriction will be drafted and routed to our Program Attorney for review and approval.
3. Upon approval, the final groundwater use restriction will be sent to you to be reviewed. File the restriction with the Outagamie County Register of Deeds Office. There will be a fee to file the restriction.
4. The Register of Deeds Office will return the original groundwater use restriction to you once the restriction is filed. This may take two to six weeks, dependent upon the office's workload.
5. Send a copy of the stamped groundwater use restriction to the Department to confirm that the restriction has been filed.

Once the Department receives confirmation that the restriction has been filed along with the four monitoring well abandonment forms, the Department will track this site as closed. No further remedial action is necessary at the site at this time. However, the case may be reopened pursuant to s. NR 726.09, Wis. Admin. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment.



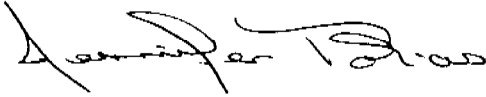
July 22, 1999

Hardee's Restaurant

2

The Department appreciates your cooperation in working to finalize the necessary paperwork. If you have any questions regarding this letter, please feel free to call me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Tobias". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer Tobias
Hydrogeologist
Bureau for Remediation & Redevelopment
(920) 424-7887

cc: Shane Waterman, OMNI Associates, One Systems Drive, Appleton, WI 54914

DOCUMENT NO.
1029878

J. 12094 1 48
WARRANTY DEED
STATE BAR 07 WISCONSIN FORM 2-1988

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE
OUTAGAMIE COUNTY, WI
RECEIVED AND RECORDED ON

FEB 28 1992

At 2 O'CLOCK P.M.

WCKET 12094 IMAGE 48-49
Grace Herb

RETURN TO
Atty. Robert W. Schaefer
Suite 201 - 414 E. Walnut St.
P.O. Box 11906
Green Bay, WI 54307-1906

Tax Parcel No: 10-1-0557

Pearl Steiner, Arthur W. Steiner and Mary A. Kromarek,
f/k/a Mary Steiner, jointly.

conveys and warrants to CAL-WIS PARTNERSHIP, a Wisconsin general
partnership comprised of Russell Secora, Horace Randazzo,
Robert Deboth, Battista Cassano, Nelko Cassano, and
Ronald Scholl

the following described real estate in Outagamie County,
State of Wisconsin:

A parcel of land in the South eighty-eight (88)
acres of the Southwest Quarter (SW 1/4) of Section
Fourteen (14), Township Twenty-one (21) North,
Range Seventeen (17) East, Town of Grand Chute,
Outagamie County, Wisconsin, more particularly
described as follows: beginning at the Southwest
corner of said Section, Town and Range, thence
North 87 degrees 48 minutes East along the South
boundary of the Section a distance of 316 feet,
thence North at right angles to the South boundary
of said Section Fourteen (14) a distance of 417.4
feet to an iron, thence East at right angles 208.7
feet to an iron, thence South at right angles
417.4 feet to the South line of the Section, thence
West along said South boundary of said Section
208.7 feet to the point of beginning.

TRANSFER
\$ 150.00
FEE

R + R - OSH
RECEIVED

FEB 30 1992

TRACKED ☐
REVIEWED ☒ AT

This ~~is~~ ~~not~~ homestead property with respect to Grantor, Mary A. Kromarek,
XXX (is not) f/k/a Mary Steiner. It is homestead property
as to the other Grantors, each of whom are
unmarried persons.

Exception to warranties:

Zoning ordinances, easements and restrictions of record. Without limiting
the generality of the foregoing, Grantors make this conveyance (continued on reverse)

Dated this 28th day of February, 1992

Mary A. Kromarek (SEAL)
Mary A. Kromarek, f/k/a
Mary Steiner

(SEAL)

Pearl Steiner (SEAL)

Pearl Steiner
Arthur W. Steiner (SEAL)

Arthur W. Steiner

AUTHENTICATION

Signature(s) of Pearl Steiner, Arthur W.
Steiner and Mary A. Kromarek, f/k/a
Mary Steiner

authenticated this 28th day of February, 1992

Robert M. Sigman
Robert M. Sigman

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Robert M. Sigman

Appleton, Wisconsin

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.

County.

Personally came before me this day of
1992 the above named

to me known to be the person who executed the
foregoing instrument and acknowledge the same.

Notary Public County, Wis.
My Commission is permanent (if not, state expiration
date)

J 12094 | 49

(Exception to warranties, continued from face page)

expressly subject to the following:

- (a) Easement in favor of Taco Bell Corp. evidenced by instrument dated January 12, 1990, and recorded May 16, 1990, in Jacket 10320, Image 7-15, as Document No. 981067, Outagamie County Registry; and
- (b) Limitations upon ingress to and egress from the subject premises to the controlled access highway which it fronts upon, as per finding, determination and declaration recorded December 22, 1951, in Volume 405 of Deeds, page 255, as Document No. 443220, Outagamie County Registry.

Re-Recording Data:

1349931

Document Number

GROUNDWATER USE RESTRICTION

Document Title

**OUTAGAMIE COUNTY
RECEIVED FOR RECORD**

NOV 24 1999

AT *2* *5:00* P.M.
JANICE HENZ
REGISTER OF DEEDS

Recording Area

Name and Return Address

Mr. Matt Secora
Cal-Wis Partnership
2186 Deer Point Lane
DePere WI 54115

*pd
1600*

This document is being re-recorded to include
Attachment A.

**R + R - OSH
RECEIVED**

DEC 15 1999

**TRACKED ☐
REVIEWED ☐**

closed 12/15/99

Parcel Identification Number (PIN)

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: A parcel of land in the South Eighty-eight (88) acres of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twenty-one (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, more particularly described as follows: beginning at the Southwest corner of said Section, Town and Range, thence North 87 degrees 48 minutes East along the South boundary of the Section a distance of 316 feet, thence North at right angles to the South boundary of said Section Fourteen (14) a distance of 417.4 feet to an iron, thence East at right angles 208.7 feet to an iron, thence South at right angles 417.4 feet to the South line of the Section, thence West along said South boundary of said Section 208.7 feet to the point of beginning.

STATE OF WISCONSIN)
) ss.
COUNTY OF OUTAGAMIE)

WHEREAS, CAL-WIS PARTNERSHIP, a Wisconsin general partnership, through its Attorney-in-fact, Matthew A. Secora, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Ten (10) parts per billion (ppb) of benzene at MW-3, collected on April 26, 1999. Location of monitoring wells are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and

See Re-Recording Data:

Doc # 1348771

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

NOV 12 1999

AT 9 JAN 20 1977 REGISTER OF DEEDS

Recording Area

Name and Return Address At 13650

Mr. Matt Secora
Cal-Wis Partnership
2186 Deer Point Lane
DePere, WI 54115

pd
1200

10-1 0552 00
Parcel Identification Number (PIN)

Parcel Identification Number (PIN)

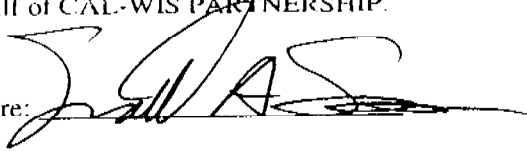
is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 2nd day of November, 1999.

By signing this document, Matthew A. Secora acknowledges that [he/she] is duly authorized to sign this document on behalf of CAL-WIS PARTNERSHIP.

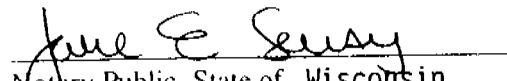
Signature:



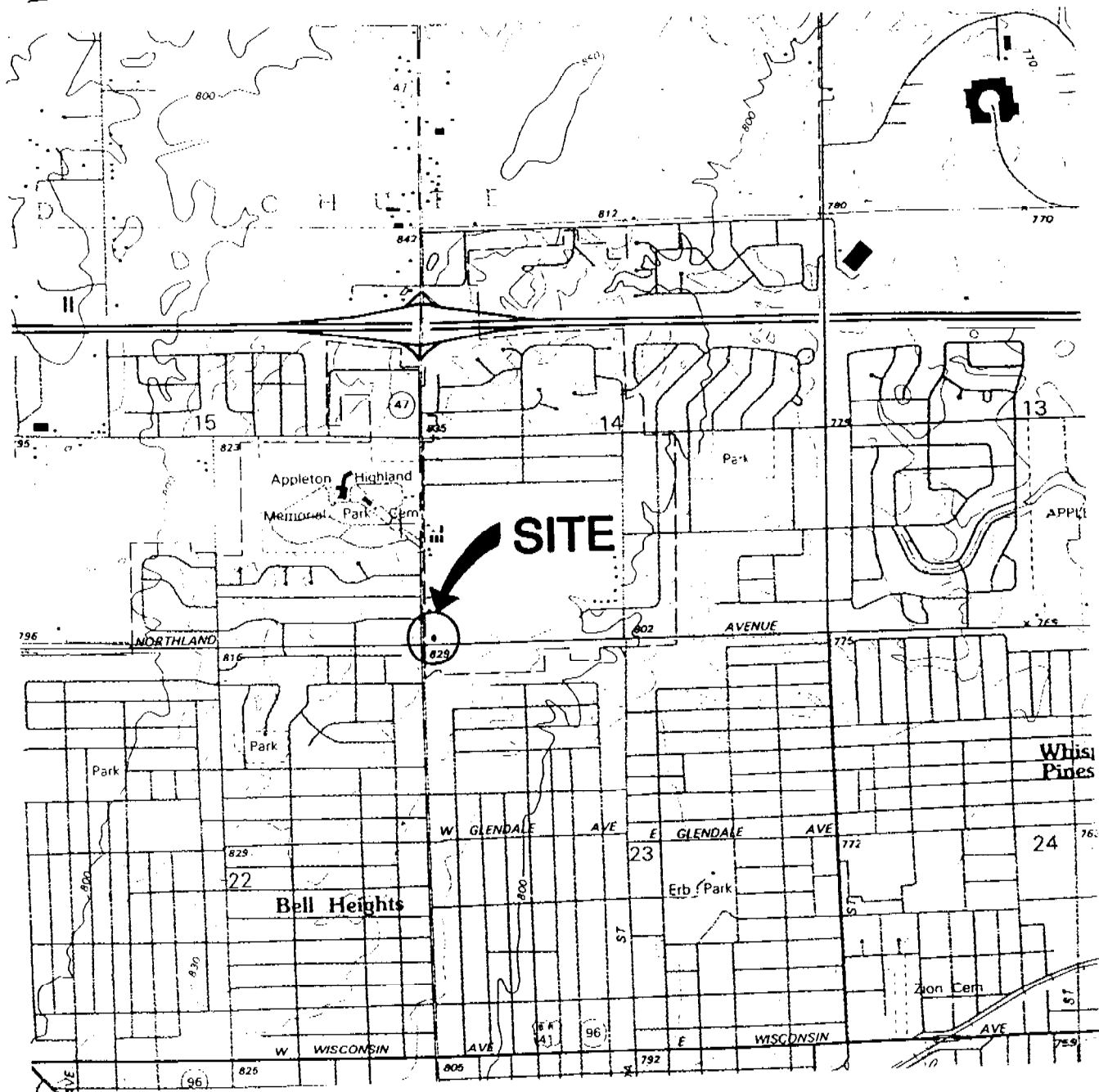
Printed Name: Matthew A. Secora

Title: Attorney-in-Fact for Cal-Wis Partnership

Subscribed and sworn to before me this 2nd day of Nov., 1999.


Notary Public, State of Wisconsin
My commission is permanent
Jane E. Seusy

This document was drafted by the Wisconsin Department of Natural Resources.



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP, APPLETON, WISCONSIN QUADRANGLE, 1992.

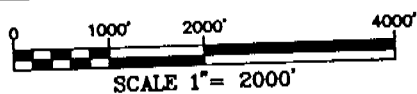


FIGURE 1
SITE LOCATION MAP

HARDEE'S RESTAURANT
614 W. NORTHLAND AVENUE
APPLETON, WISCONSIN 54911

OMNI
ASSOCIATES

ONE SYSTEMS DRIVE
APPLETON, WI 54914

PHONE (920) 735-6900
FAX (920) 835-6100

PROJECT MANAGER:	PROJECT NO:	N1428A97
PROJECT ENGINEER:	CAD FILE NO:	N1428A1
DRAWN BY:	KRE SCALE:	
REVIEWED BY:	DATE:	1/13/98

TABLE 3

PARAMETER (µg/L)		ES	PAL	P1 (Giles)	P4 (Giles)	MWI (OMINNI)					MW2 (OMINNI)				
SAMPLE DATE		-	-	10/3/97	10/3/97	2/24/98	7/30/98	12/10/98	1/14/98	4/26/99	2/24/98	7/30/98	12/10/98	1/14/98	4/26/99
DETECTED VOCs / PVOCS (µg/L)															
BENZENE	5	0.5		19	<0.7	<0.21	<0.21	18	<0.32	<0.32	<0.21	<0.21	19	<0.32	<0.32
DICHLORODIFLUOROMETHANE	1000	200		NA	NA	<0.2	<0.2	NA	NA	NA	<0.2	<0.2	NA	NA	NA
1,2-DICHLOROETHANE	5	0.5		NA	NA	<0.14	<0.14	NA	NA	NA	<0.14	<0.14	NA	NA	NA
ETHYLBENZENE	700	140		1.5	<0.7	<0.68	<0.34	10	<0.34	<0.34	<0.68	<0.34	10	<0.34	<0.34
MTBE	40	8		NA	NA	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31
·	343	68.6		7.2	<0.7	<1.5	<1.5	52	<0.35	<0.35	<1.5	<1.5	53	0.41	<0.35
1,2,4-TRIMETHYLBENZENE	480	96		<0.35	<0.35	<0.35	<0.35	13	<0.35	<0.35	<0.35	<0.35	11	<0.35	<0.35
1,3,5-TRIMETHYLBENZENE	combined	combined		<0.64	<0.64	<0.64	<0.64	3.6	<0.64	<0.64	<0.64	<0.64	3.5	<0.64	<0.64
XYLENES	620	124		5	<1.4	<0.58	<0.58	56	<0.98	<1.0	<0.58	<0.58	57	<0.98	<1.0
GASOLINE RANGE ORGANICS	-	-		NA	NA	<100	NA	NA	NA	NA	<100	NA	NA	NA	NA
DISSOLVED LEAD	15	1.5		NA	NA	<1.0	NA	NA	NA	NA	<1.0	NA	NA	NA	NA

PARAMETER (µg/L)	ES	PAL	MW3 (OMNII)						MW4 (OMNII)				
SAMPLE DATE	-	-	2/24/98	5/27/98	6/17/98	7/30/98	12/10/98	1/14/99	4/26/99	7/30/98	12/10/98	1/14/99	4/26/99
DETECTED VOCs / PVOCS (µg/L)													
BENZENE	5	0.5	<0.21	0.66	0.23	<0.21	14	0.98	1.0	<0.21	44	<0.32	<0.32
DICHLORODIFLUORMETHANE	1000	200	10	NA	NA	<0.2	NA	NA	NA	<0.2	NA	NA	NA
1,2-DICHLOROETHANE	5	0.5	1.1	0.73	1.2	0.4	0.95	1.1	0.73	<0.14	NA	NA	NA
ETHYLBENZENE	700	140	<0.68	<0.34	<0.34	<0.34	6.4	<0.34	<0.34	<0.34	17	<0.34	<0.34
MTBE	40	8	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31
TOLUENE	343	68.6	<1.5	0.77	<0.35	<1.5	40	<0.35	<0.35	<1.5	110	<0.35	<0.35
1,2,4-TRIMETHYLBENZENE	480	96	<0.35	<0.35	<0.35	<0.35	8	<0.35	<0.35	<0.35	14	<0.35	<0.35
1,3,5-TRIMETHYLBENZENE	combined	combined	<0.64	<0.64	<0.64	<0.64	3	<0.64	<0.64	<0.64	4.5	<0.64	<0.64
XYLENES	620	124	<0.58	<0.98	<0.98	<0.58	46	<0.98	<0.98	<0.58	92	<0.98	<0.98
GASOLINE RANGE ORGANICS	-	-	<100	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DISSOLVED LEAD	15	1.5	<1.0	NA	NA	NA	NA	NA	NA	<1.0	NA	NA	NA

ES = enforcement standard

PAL = preventive action limit

<0.7 = analyte not detected

NA = not analyzed

NA = not analyzed
 = sample concentrations detected above the ES for regulated points of enforcement

= sample concentrations detected above the ES for regulated points of enforcement

NOTE: Due to the fact that the 12/10/98 sample results were most likely due to cross-contamination, sample concentrations detected above the PAL for regulated points of enforcement

NOTE: Due to the fact that the 12/10/98 sample results were most likely due to cross-contamination, the individual constituents found to be above their respective standards were not highlighted.